

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ALBERT WHIPKEY, on behalf of himself and all others similarly situated, Plaintiff,	
v.	No. 1:02CV1030
R. R. DONNELLEY & SONS COMPANY, Defendant.	Judge O'Malley
MICHAEL ADAMS, et al. Plaintiffs,	
v.	Case No. 1:05 CV 2760
R.R. DONNELLEY & SONS COMPANY Defendant.	

**ORDER PRELIMINARILY APPROVING SETTLEMENT
AND NOTICE AND CLAIM FORM TO PLAINTIFFS**

This matter comes before the Court on the motion (Doc. 147 – Case No. 02cv1030) of Plaintiffs and Defendant R. R. Donnelley & Sons Company to: (1) give preliminary approval of the settlement of these actions, (2) approve the form of a Notice of Proposed Settlement and Settlement Approval Hearing, and (3) set a date for a fairness hearing to determine whether to give final approval to the settlement. The Court, having reviewed the parties' motion and being fully advised, **ORDERS** as follows:

The Court **GRANTS** the parties' motion (Doc. 147) and, therefore, grants preliminary approval to the parties' Settlement Agreement.

1. The Court **APPROVES** the form of the Notice attached as Exhibit B to the motion (Doc. 147), to be mailed on or before **June 23, 2006** to Plaintiffs at their last known addresses, or if deceased, their surviving spouse or executor or personal representative, if known.

2. Any objections are to be mailed to Plaintiffs' counsel, Thomas S. Amato, Licata & Associates, Co., L.P.A., 6480 Rockside Woods Blvd. South, Suite 390, Independence, Ohio 44131, **postmarked no later than July 18, 2006**. Mr. Amato shall file all objections with the Court no later than **July 24, 2006**.

3. A Final Fairness Hearing is **SET** for **July 26, 2006 at 12:30 p.m.** in Courtroom 16A of the Carl B. Stokes United States Courthouse, 801 W. Superior, Cleveland, Ohio 44113.

IT IS SO ORDERED.

s/Kathleen M. O'Malley_____

KATHLEEN McDONALD O'MALLEY

UNITED STATES DISTRICT JUDGE

Dated: June 20, 2006